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POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

PRESIDING OFFICER'S
RULING NO. R97-1/123

UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING DENYING REQUEST FOR CERTIFICATION

(April 14, 1998)

On April 7, 1998, the Postal Service filed a request for certification of Presiding Officer's Ruling R97-1/120, which granted a Newspaper Association of America request to place NAA/R97-1 LR-2 into evidence in this case.¹ The subject library reference was authenticated in a Postal Service compelled response to interrogatory NAA/USPS-RFA-1, affirming the existence of the document entitled "United States Postal Service 1998 Marketing Plans." On April 9, 1998, the Newspaper Association of America filed an opposition to the Postal Service request.

Rule of Practice 32(b) provides that the Presiding Officer shall not certify an appeal to the full Commission unless:

- (i) The ruling involves an important question of law or policy concerning which there is substantial ground for difference of opinion and (ii) an immediate appeal from the ruling will materially advance the ultimate termination of the proceeding or subsequent review will be an inadequate remedy.

The issues presented by the Postal Service do not meet either test.

The Postal Service request for certification does not raise any substantive issue not presented in its earlier Answer in Opposition to Newspaper Association of America Motion to Place USPS Marketing Document into Evidence, filed April 2, 1998.

¹ United States Postal Service Request for Certification of Presiding Officer's Ruling No. R97-1/120 on Newspaper Association of America Motion and Motion for Alternative Relief. Newspaper Association of America Motion to place Marketing Document into Evidence, March 27, 1998.

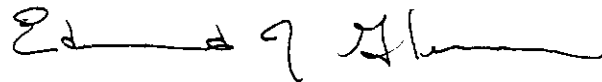
Presiding Officer's Ruling R97-1/120 rejected the Postal Service arguments, concluded that the Commission was capable of interpreting the document in a fair and nonprejudicial fashion, and admitted the material into evidence. The issues raised by the Postal Service do not involve important questions of law or policy in this confined context nor does the Service identify holdings indicating that there is a substantial ground for difference of opinion on a substantial question of law or policy.

Furthermore, this case now stands submitted to the full Commission. Rather than advancing the ultimate termination of this proceeding, certification of a minor procedural matter is far more likely to delay this proceeding. In the past, Presiding Officers have often certified matters to the full Commission as a courtesy to participants, and to assure that full and balanced consideration is given to issues deemed important by those participants. In the current circumstances, such a step is not warranted.

Finally, the Postal Service appends to its pleading a motion for alternative relief, specifically that its full response to Interrogatory NAA/USPS-RFA-1, be admitted into evidence. That response was admitted into evidence on March 30, 1998, as a Postal Service institutional response designated by the Presiding Officer. See Tr. 37/19873 and 19907-08.

RULING

The United States Postal Service Request for Certification of Presiding Officer's Ruling No. R97-1/20 on Newspaper Association of America Motion and Motion for Alternative Relief, filed April 7, 1998, is denied.



Edward J. Gleiman
Presiding Officer